

TOWN OF WESTON, CONNECTICUT
ZONING BOARD OF APPEALS HEARING
April 22, 2014

MINUTES

Present: Board Members: Chairman MacLeod Snaith, Vice-Chairman Richard Wolf, Nick Noyes, and Alternates: Glenn van Deusen, John Moran and Don Scarborough

Mr. Snaith opened the public hearing at 7:34 p.m. The Board Secretary read the agenda into the record. Mr. Snaith then explained the procedure for the applicants.

18 INDIAN VALLEY ROAD, owner, RICHARD A.T. AND BETH ZUCKER, TRUSTEES, Map 3, Block 1, Lot 36, Variance to Section 321.6 to construct an addition to an existing house to be located 23 feet from the rear property line.

Voting Members: Snaith, Wolf, Noyes, Scarborough, van Deusen

Doug McMillan, architect, and the owners, Mr. & Mrs. Zucker, were in attendance. Mr. McMillan explained that the property is very steep with a severe grade change from the street to the house. The house is situated to the very back of the property because of the topography. He stated that the Zuckers would like to enlarge their existing master bedroom and add a large walk in closet with a lower level storage area for mechanicals such as the oil tank and radon remediation equipment. Mr. McMillan also noted that because the way the house is constructed, lower level is all living area with bedrooms and kitchen on the lower level with the master bedroom upstairs. He indicated the location of the existing mechanical room which houses the water tank and hot air furnace noting that there is no way to get the oil tank in there. They can create access because of the grade and get the oil tank into the basement area.

Mr. McMillan then described the hardships as the very narrow lot and the topography with such a dramatic rise and the existing positioning of the house which is on the setback line. They looked at other places but because of the location of the master bedroom they can get the closet and the lower level storage area and get the oil tank out of the ground and into the house. Discussion ensued.

Following discussion, Mr. Snaith commented that it would be hard for the Board to grant a variance for a walk in closet but the additional mechanical space does merit consideration. Mr. van Deusen commented that while getting the oil tank out of ground is a good idea, it is not a rationale for a variance or a hardship. Mr. McMillan noted that they considered putting the radon remediation system and oil tank in the garage, but it is too far. It is over 75 ft. from the house and the radon system has to be where the water comes into the house. Discussion continued.

Hearing no additional discussion, the public hearing was closed at 8:20 p.m.

Deliberations:

Mr. Scarborough opened discussion by stating that he concurs with Mr. van Deusen that a request for a closet would not meet a hardship case, but in his mind, the hardship of the water treatment and oil tank would make him more sympathetic to granting a variance.

Mr. Snaith commented on the issue of reasonableness and that financial consideration can be a part of the deliberation, but can't be the only thing. He noted that when he went to the site it was hard to justify the closet until Mrs. Zucker explained about the oil tank and radon, and then the mechanicals start to present a good cause for granting of a variance. With the steep topography and ledge, building site and placement of the house and with the lot being narrow, it could be a case for hardship. Mr. Wolf stated that he believes that there are ways to accommodate the oil tank and radon system.

Mr. Noyes commented that it is swayed for need of the mechanicals and it is a reasonable solution to their expanded need for water treatment and oil tank and he would favor granting a variance. Mr. van Deusen commented that there is no hardship on the closet and he is trying to justify the mechanicals.

The Public Hearing re-opened 8:33 p.m.

Mr. Snaith asked Mr. McMillan if he could submit additional information concerning the radon system so they could have it as part of the record. Mr. McMillan agreed and the public hearing was continued to next month for additional information.

DISCUSSION/DECISION: AMENDMENTS TO ZBA OPERATING RULES

The Board Members reviewed the changes and Mr. Snaith addressed the issue of voting members for officers. The Board Members discussed having all regular and alternate members vote for the officers.

Following some additional discussion, the following motion was made:

MOTION TO APPROVE

Mr. Snaith made a motion to approve the ZBA Operating Rules, as amended, and Mr. Noyes seconded. All in favor the motion carried (4-0).

APPROVAL OF MINUTES

Mr. Wolf made a motion to approve the Minutes from the March 25, 2014 meeting and Mr. van Deusen seconded. All in favor, the motion carried (6-0).

MOTION TO ADJOURN

Mr. Wolf made a motion to adjourn and Mr. Noyes seconded. All in favor, the meeting adjourned at 9:15 p.m.

Respectfully submitted,

Delana Lustberg
Board Secretary

Date Approved: 5/27/2014